

**Notice of Allowability**

Application No.

09/328,856

Applicant(s)

DAVIS ET AL.

Examiner

Art Unit

Sam Rimell

2164

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview Summary of May 22, 2006.
2. ☒ The allowed claim(s) is/are 46-59,63-64,88-95 and 104-113.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

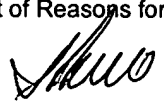
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                       |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.  |

  
Sam Rimell  
Primary Examiner  
Art Unit: 2164

Art Unit: 2164

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Keyvan Davoudian on May 22, 2006.

In The Claims: Claims 65-87, 96-103 and 114-137 have been cancelled.

  
SAM RIMELL  
PRIMARY EXAMINER

Reasons for Allowance

Claims 46-59, 63-64, 88-95 and 104-113 are pending. Within this claim set, claims 46, 51, 53, 63, 64, 88 and 104 are independent. The closest prior art is U.S. Patent 6,235,176 to Schoen et al.

Claim 46: Schoen does not recite the step of paying the premium amount calculated by the computer system with assets of the trust. Schoen does state that premiums are paid into or within the trust (col. 9-10) but does not state this is done with trust assets. Schoen also does not disclose the disability benefit amount being substantially equal to the pre-disability contribution amount.

Claim 51: Schoen does not disclose paying the premium amount calculated by the computer system with assets of the trust. Schoen does not disclose the step of matching eligibility for the insurance to eligibility for the plan or matching eligibility for the insurance to participation in the plan, or both, for the plan year prior to the policy year for which the insurance is effective.

Claim 53: Schoen does not disclose paying the premium amount calculated by the computer system with assets of the trust. Schoen does not disclose the step of linking the premiums and benefits to the contributions to the plan for the plan year prior to the policy year for which the insurance is effective, the contributions demonstrated to meet a non-discrimination requirement by definition or testing.

Reasons for Allowance (cont.)

Claim 63: Schoen does not disclose paying the premium amount calculated by the computer system with assets of the trust. Schoen does not disclose the trust as a defined contribution 457 plan.

Claim 64: Schoen does not disclose paying the premium amount calculated by the computer system with assets of the trust. Schoen does not disclose the trust as a defined contribution 403(b) plan.

Claim 88: Schoen does not disclose paying the premium amount with assets of the trust. Schoen does not disclose the disability benefit amount being substantially equal to the pre-disability contribution amount. Schoen does not disclose the step of matching eligibility for the insurance to eligibility for the plan, matching eligibility for the insurance to participation in the plan, or both, for the plan year prior to the policy year for which the insurance is effective.

Claim 104: Schoen does not disclose paying the premium amount calculated by the computer system with assets of the trust. Schoen does not disclose the disability amount being substantially equal to the pre-disability contribution amount. Schoen does not disclose the step of linking the premiums and benefits to pre-disability contributions to the plan for the plan year prior to the policy year for which the insurance is effective, where the contributions meet a non-discrimination requirement by definition or by testing.

Accordingly, claims 46, 51, 53, 63, 64, 88 and 104 are allowable. Claims 47-50, 52, 54-59, 89-95 and 105-113 are dependent thereon and are also allowable.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**